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~~(S)~~ NATIONAL RECONNAISSANCE OFFICE
WASHINGTON, D.C.

THE NRO STAFF

26 August 1975

MEMORANDUM FOR MR. PLUMMER

SUBJECT: Implementation of the Recommendation of the Commission on CIA Activities within the United States Pertaining to Civilian Agencies' Use of Classified Overhead Photography

Major [redacted] talked to Dr. Dave Elliott, NSC Staff, regarding the LDX'ing of the proposed memo to you (TAB A). Dr. Elliott said he forwarded it to us for comments.

The proposed memo has been reviewed and we have no comments or objections to its issuance. There is no overlap in the proposed memo and the 1 August 1975 Memorandum of Agreement signed by Schlesinger, Colby and Fletcher (TAB B). The proposed memo is concerned with implementation and setting up of working group type activities whereas the 1 August 1975 Memo of Agreement is concerned with policy issues. The proposed memo is a result of the recommendations in the Rockefeller Commission's Report to the President (TAB C), the DCI's proposed response (TAB D), and the recent USIB deliberations (TAB E).

Lastly, Major [redacted] pointed out to Dr. Elliott the need to keep classified those activities and documentation relating to classified overhead photography activities that involve reconnaissance satellite photography.

[redacted]
Colonel, USAF

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THE WHITE HOUSE

WASHINGTON

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MEMORANDUM FOR: THE SECRETARY OF DEFENSE
THE SECRETARY OF INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY
THE CHIEF OF ENGINEERS, UNITED STATES ARMY

SUBJECT: Implementation of the Recommendation of the Commission on CIA Activities within the United States Pertaining to Civilian Agencies' Use of Classified Overhead Photography

The President has noted that the Commission on CIA Activities Within the United States in discussing overhead photography of the United States concluded that it can find no impropriety in permitting continued civilian use of classified overhead photography and that economy dictates the use of the photographs for appropriate civilian purposes. Accordingly, the President has directed the establishment of a civilian agency committee to oversee civilian uses of photography taken over the United States.

To implement the President's decision, the following actions are to be taken:

1. The Secretary of Interior will form a Civil Applications Committee which will:

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ok

- receive, evaluate, consolidate, standardize, establish priorities and transmit to the Director of Central Intelligence (DCI) through the Chairman of the Committee for Imagery Reconnaissance and Exploitation (COMIREX) all requests for classified photography from domestic civilian agencies;
- stimulate and facilitate civilian agencies' use of classified systems and coordinate the incorporation of photography, data derived, and technology in performance of domestic civilian functions;
- supply information to civilian agencies so that they may knowledgeably formulate requests and reach compromises between requests and capabilities;
- act as the interface between civilian agencies and intelligence collectors, recognizing that the Director of Central Intelligence will not be involved in judgments concerning civil agency needs or priorities and that collection for this purpose will remain incidental to foreign intelligence collection;
- oversee civilian agency uses of classified photographic products in a manner designed to avoid any concerns that domestic photographic coverage is being used improperly in, for example, law enforcement, police, or internal security activities.

In performing all of the above activities, the Committee will be subject to guidelines established by the President.

2. The Committee will be chaired by the representative of the Department of Interior and will consist of representatives of the Departments of Agriculture and Commerce, the National Aeronautics and Space Administration, the Corps of Engineers and the Environmental Protection Agency. Membership may be expanded at the discretion of the Committee.

3. The Director of Central Intelligence will designate a representative to serve ex officio on the Civil Applications Committee for the purpose of liaison with the intelligence community, to assist in obtaining domestic photography, to address issues concerned with the use of classified products, and to facilitate the acquisition of security clearances for users. Since civil usage of data is enhanced if unclassified, the DCI's representative will be an intermediary on questions concerning release of information from security control as appropriate.

Henry A. Kissinger  William E. Colby  James T. Lynn

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~SECRET ATTACHMENT~~

August 21, 1975

MEMORANDUM FOR THE SITUATION ROOM

FROM: DAVID ELLIOTT

SUBJECT: LDX URGENTLY

Please LDX one copy each to the following:

"D" Honorable James W. Plumber
Under Secretary of the Air Force
The Pentagon - Room 4E-871
Telephone No. 697-1361

"A" Dr. Sayre Stevens
CIA Headquarters
Room 6E56
Telephone No. 351-4303

"B" Mr. Wreatham Gathright
Department of State
S/P Room 7212A
Telephone No. 632-2474

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-RAR-B-10
Slu

1 AUG 1975

# MEMORANDUM OF AGREEMENT

# FOR THE CONDUCT OF INTELLIGENCE AND CIVIL

# SPACE PROGRAMS

The undersigned have reviewed the relationships between the space programs of the National Reconnaissance Office and the National Aeronautics and Space Administration in light of program progress to date in both the classified and civil arenas and the current assessment of the present and future policy environment for remote sensing of the earth from space. The undersigned have agreed to the following objectives, guidelines and mechanisms for the coordination of the respective intelligence and civil space programs.

## Objectives

With the growing sophistication of space science and technology, the military, intelligence, scientific, and civil applications programs require careful continuing coordination in order to:

a. Assure that inadvertent disclosures of technology in one program do not jeopardize the effectiveness of other programs.

b. Assure that data and information release policies recognize nationally approved program objectives, legal and statutory requirements and national security considerations.

c. Assure that individual agency plans and programs from the outset are formulated and managed to avoid conflicts between civil and military activities.

d. Assure that appropriate use is made by both the civil and military communities of technology, data and information generated by each other's programs.

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Management Guidelines

a. The earth-oriented data acquisition programs by NASA will be conducted in a manner designed to maximize their economic and political benefits and to minimize international political repercussions.

b. If it is decided to study or employ NRO classified technology in the civil space program, that technology will remain protected under the NRO security procedures until a specific determination is made for release to the public domain.

c. Independently developed technology in the civil program will be reviewed to determine if its public release would compromise classified program capabilities and/or limitations.

Coordinating Mechanism

a. Program Review Board

A Program Review Board is hereby established composed of the DDR&E, the Deputy Administrator of NASA, the Deputy Director of Science and Technology, CIA, representing the DCI, and the Director of the NRO to oversee the relationship between the classified and civil space programs. The Board membership is limited to the named principals.

b. Within the framework of established national policy, the Board is charged with:

(1) Resolving interagency program policy issues.

(2) Coordinating on a continuing basis the earth-oriented programs of the member agencies.

(3) Recommending to the agency heads involved such changes in program direction as may mutually be agreed upon.

(4) Reporting to the agency heads on issues not resolved by the Board.

c. The Board will meet at least quarterly as well as at the request of any member.

d. The Board will establish and supervise two interagency groups to report regularly to the Board; these are:

(1) A Technology Review Committee, chaired by a senior DOD official, to maintain a current assessment of the civil and military technology flow into the public domain; to coordinate the development, transfer and public release of new technologies; and to refer to the Board issues and problems not resolved at the Committee level.

(2) A Data and Information Release Committee, chaired by a senior NASA official, to maintain a current overview of policies and procedures relating to earth-oriented science and applications data and information release, to review and resolve where possible conflicts between agencies, and refer unresolved issues to the Board.

e. In its consideration of issues, the Board will coordinate with the appropriate interested Executive agencies and organizations.

f. Unresolved interagency issues relating to national policy interpretation or implementation, or recommended changes to national policy, will be referred to the appropriate National Security Council mechanism for consideration.

| James R. Schlesinger | William E. Colby | James C. Fletcher |
|---|---|---|
| Secretary of Defense | Director, Central Intelligence | Administrator, NASA |

June 1975

# Report to the President
by the
# COMMISSION ON CIA ACTIVITIES WITHIN THE UNITED STATES

Ad 3

tained over the use of such documents: recent guidelines established by the Deputy Director for Operations appear adequate to prevent abuse in the future.

### 2. *Overhead Photography of the United States*

In 1966, the Special Assistant to the President for Science and Technology commenced a formal study on the use of aerial intelligence photography for civilian purposes. This study was commenced with the approval of the Director of Central Intelligence and in cooperation with the Departments of Agriculture, Commerce, Interior, the Agency for International Development and the National Aeronautics and Space Administration.

In 1967 the study resulted in the establishment of a steering committee in the office of the President's Science Adviser, with membership from the United States Geological survey, the Department of Commerce, the Department of Agriculture, the National Aeronautics and Space Administration and other interested civilian agencies. This committee was designed to act as an interface, by which the intelligence community could assure the public that it was not involved in selecting or determining the end use of its aerial photographs of domestic areas.

The Director of Central Intelligence agreed to provide photography to civilian agencies pursuant to the steering committee's request, provided there would be no interference with intelligence needs nor any significant cost increase.[3]

The photographs of the United States actually turned over to civilian agencies were taken primarily for military mapping purposes. Since that time, aerial photography systems have been used for such diverse civilian projects as mapping, assessing natural disasters such as hurricane and tornado damage and the Santa Barbara, California, oil spill, conducting route surveys for the Alaska pipeline, conducting national forest inventories, determining the extent of snow cover in the Sierras to facilitate the forecast of runoff and detecting crop blight in the Plains States. Limited equipment testing and performance evaluation is also conducted, using photographs taken of areas within the United States.

In 1973, the Office of the President's Science Adviser was abolished, and the special steering committee controlling the civilian use of aerial photography ceased to exist. Efforts are underway to establish a new committee to undertake this activity.[4] In the meantime, the Director of Central Intelligence has entered into agreements with several

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[3] While the Agency engineered and developed most of the operational aerial photography systems, it is no longer responsible for the operational aspects of those systems.

[4] The President has recently announced his intention to reestablish the Office of the President's Science Adviser.

federal agencies, including the Environmental Protection Agency, which permits them access to classified overhead photography.

## *Conclusions*

The Commission can find no impropriety in permitting civilian use of aerial photography systems.[3] The economy of operating a single aerial photography program dictates the use of these photographs for appropriate civilian purposes.

***Recommendation (29)***

**A civilian agency committee should be reestablished to oversee the civilian uses of aerial intelligence photography in order to avoid any concerns over the improper domestic use of a CIA-developed system.**

---

[3] It is arguable that at least one present use of aerial photography is law enforcement in nature and outside the scope of proper CIA activity. This use involves photography with infrared sensors to detect areas of high concentrations of industrial pollutants in the air and in various bodies of water. Data obtained from this activity could conceivably be used as the basis for a criminal action brought under environmental legislation. The Commission believes, however, that the legislators, when they prohibited the CIA from engaging in law enforcement activities in their 1947 enactment of the National Security Act, could not have contemplated the systems presently in use. It should be noted that the CIA did turn down a request from the Alcohol and Tobacco Tax Unit of the Treasury Department to help locate moonshine stills in the North Carolina mountains using infrared photography, on the ground that such activity was law enforcement in nature.

Recommendation (29)

A civilian agency committee should be reestablished to oversee the civilian uses of aerial intelligence photography in order to avoid any concerns over the improper domestic use of a CIA-developed system.

Response

I concur in this recommendation and urge that it be accomplished speedily. I should note here that--contrary to the statement in the Commission's Report--a proposed agreement for continuing support in this area of the Environmental Protection Agency was not concluded because of that Agency's law enforcement responsibilities.



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Memorandum for Holders-2
USIB-D-46.2/37
24 April 1975
Limited Distribution

UNITED STATES INTELLIGENCE BOARD

MEMORANDUM FOR HOLDERS OF USIB-D-46.2/37

SUBJECT : Civil Agencies' Requirements for KH-9 Satellite Coverage of the U. S.

REFERENCES : a. USIB-D-46.2/37, 18 March 1975, limited distribution through restricted channels
b. Memorandum for Holders-1 of USIB-D-46.2/37, 27 March 1975, limited distribution through restricted channels

The final reply on civil requirements for satellite imagery is attached for the information of the Board. It was transmitted on 22 April after completion of congressional and executive branch review as stated in paragraph 5 of reference a. The attached is identical to that reviewed by the USIB on 27 March (reference b.) except for the addition of a sentence on security, and a subparagraph (6. d.) concerning costing.

BRUCE A. LOWE
Executive Secretary

Attachment

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UNITED STATES INTELLIGENCE BOARD
COMMITTEE ON IMAGERY REQUIREMENTS AND EXPLOITATION

Attachment
Memorandum for Holder:
USIB-D-46.2/37
22 April 1975

MEMORANDUM FOR: John R. McGuire
Chief, Forest Service, USDA

Robert M. White
Administrator, National Oceanic and Atmospheric Administration
Department of Commerce

W. C. Gribble, Jr.
Lieutenant General, USA, Chief of Engineers
Department of the Army

V. E. McKelvey
Director, U. S. Geological Survey
Department of the Interior

SUBJECT : Civil Requirements for Satellite Imagery

REFERENCE : Joint Memorandum to Chairman, COMIREX, 16 September 1974, TCS-864114-74

1. This memorandum replies to your request (reference) outlining joint requirements for satellite imagery to support programs in the Departments of Agriculture, Army (Civil Works), Commerce, and Interior. This reply has been reviewed by the Director of Central Intelligence, in consultation with the USIB, and he has approved continuing support to your programs as outlined herein. Your need to have a firm understanding of the commitment which can be made to these requirements is fully appreciated.

007037
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Memorandum for Holders-
USIB-D-46.2/37

2. As you know, the intelligence community engages in continuing evaluation of the satellite imagery program in relation to projected intelligence needs, the technology and capability of various satellite imagery systems, and the related costs and schedules involved. The objective is to ensure that the satellite imagery essential to the national security is provided, but at the minimum cost possible. As you are probably also aware, the launch rates of the present systems have been reduced and their on-orbit life stretched out to effect economies. Despite the consequent reduction in total capacity and flexibility, it appears that it is in the broad national interest and of economic benefit to continue allocating a small percentage of film for the civil applications which you have identified, and that effort will be supported.

3. Your identified requirements will be handled on the basis of a level of effort -- equivalent to about two to three percent of current film -- which appears reasonable to support as a cost effective contribution to federal operations. As discussed below, sufficient collection resources are not available to meet all of the needs which you identified without unacceptable impact on the projected foreign intelligence collection program. It appears, however, that the feasible level of support will contribute significantly to the satisfaction of your requirements. For your planning purposes, the projections below are keyed to your four Recommendations (reference).

a. Recommendation 1: Based on a preliminary NRO evaluation it does not appear feasible to complete [redacted] phasing of completion of the remainder will depend upon your view of the priority of this specific requirement relative to the second recommendation, below.

TCS#889184-75/2

b. Recommendation 2: It appears feasible to [redacted]

c. Recommendation 3: The rate of collection [redacted]

d. Recommendation 4: The current experimental [redacted]

TCS#889184-75/2

[redacted]

4. [redacted]

5. There are several additional factors which must be recognized in relation to these projections. Intelligence needs, themselves, are inherently difficult to predict because of the changing international situation. While our projections for satellite imagery make allowance for this fact, the emergence of a major unforeseen intelligence need could impact even the small allocation of film for civil requirements. Finally, there is always the possibility of a launch or on-orbit failure of one of the systems, which would obviously severely constrain collection capabilities against all requirements.

6. The Director of Central Intelligence has instructed me to convey several specific points on his behalf:

TCS#889184-75/2

a. He has asked that this reply note explicitly the understanding that in considering the civil applications the intelligence community will have no involvement in decisions concerning civil users' needs or priorities.

b. He wishes to emphasize the primary foreign intelligence and DoD mapping requirements focus of the classified imagery satellite program and the understanding that collection for civil applications will be incidental to the foreign intelligence collection effort.

c. He is sympathetic with efforts to find means to economize on national expenditures related to US mapping, survey, and similar civil applications, and he will therefore support these efforts within the statutory limitations placed on him with respect to involvement in domestic affairs and activities and his statutory responsibilities for the protection of intelligence sources and methods. It is necessary to have your continued support on maintaining essential security in this area.

d. He does not consider that a direct charge to the civil agencies is required at the indicated level of effort. However, if that level increases in the future, it may be necessary for the participating civil agencies to share in the program costs in some proportionate manner. He asks that you continue to weigh carefully the cost-versus-gain benefits of such photography.

7. Because of the austere resource limitations which are being imposed upon intelligence collection, the DCI urges that your joint requirements be consolidated and arrayed in strictest priority order. He asks

TCS#889184-75/2

that you identify them to me on a consolidated basis, if possible, so that they may be included most effectively in the tasking for the satellite systems.

Roland S. Inlow
Chairman
Committee on Imagery Requirements and Exploitation

TCS#889184-75/2